

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
ROBERT O'BRIEN
3 Assistant Federal Public Defender
Nevada State Bar No. Bar#10944
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
5 (702) 388-6577/Phone
(702) 388-6261/Fax
6 Robert_O'Brien@fd.org

7 Attorney for Damon Evans

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 DAMON EVANS,

15 Defendant.

Case No. 2:19-mj-00528-EJY

**STIPULATION TO CONTINUE
BENCH TRIAL**
(Third Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Robert O'Brien, Assistant Federal Public Defender, counsel for Damon Evans, that the
21 bench trial currently scheduled on January 29, 2020, be vacated and continued to a date and
22 time convenient to the Court, but no sooner than two (2) weeks.

23 This Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant needs additional time to conduct investigation in this
25 matter.
26

2. Defendant has a pending matter in Indiana state court that will have an impact on the resolution in this case.

3. Additional time is needed to negotiate and discuss a possible resolution in this matter.

3. Defendant does not object to a continuance;

4. Denial of this request for continuance of the bench trial would potentially prejudice both the Defendant and the Government and unnecessarily consume this Court's valuable resources;

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(iv).

This is the third request for a continuance of the bench trial.

DATED this 8th day of January, 2020.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Robert O'Brien
By _____

ROBERT O'BRIEN
Assistant Federal Public Defender

/s/ Rachel Kent
By _____

RACHEL KENT
Special Assistant United States Attorney

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAMON EVANS,

Defendant.

Case No. 2:19-mj-00528-EJY

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this matter.
2. Defendant has a pending matter in Indiana state court that will have an impact on the resolution in this case.
3. Additional time is needed to negotiate and discuss a possible resolution in this matter; and
3. Defendant does not object to a continuance;

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

1 The continuance sought herein is excludable under the Speedy Trial Act, 18 U.S.C. §
2 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(iv).

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4 **ORDER**

5 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,
6 January 29, 2020, at 9:00 a.m., be vacated and continued to March 4, 2020 at the hour of
7 9:00 a.m. in Courtroom 3D.

8 DATED this 9th day of January, 2020.

9 
10 UNITED STATES MAGISTRATE JUDGE